

Appendix B

North Central Montana District Field Offices

Stipulation Definitions

Cultural Resources Lease Stipulation

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

CONTROLLED SURFACE USE STIPULATION

AIR RESOURCES

Stipulation: Surface occupancy and use is subject to the requirement that each diesel-fueled non-road engine with greater than 200 horsepower design rating to be used during drilling or completion activities meets one of the following two criteria: (1) the engine was manufactured to meet USEPA NO_x emission standards for Tier 4 non-road diesel engines, or (2) the engine emits NO_x at rates less than or equal to USEPA emission standards for Tier 4 non-road diesel engines.

On the lands described below:

Objective: To protect air resources and meet the 1-hour NO₂ NAAQS.

Exception: An exception may be granted by the AO if air quality modeling, air quality monitoring, or other information demonstrates compliance with the NO₂ NAAQS.

Modification: This stipulation may be modified if the EPA or the applicable state environmental agency adds, deletes, or revises NO_x emission standards for drill rig, completion rig, or non-road engines.

Waiver: The stipulation may be waived if new information demonstrates that compliance with the NO₂ NAAQS will be achieved consistently throughout the lease area. The stipulation may also be waived if the NO₂ NAAQS is revoked or otherwise rendered inapplicable to drilling/completion operations.

CONTROLLED SURFACE USE STIPULATION

RIPARIAN, WETLANDS

Stipulation: Surface occupancy and use is subject to the following operating constraints: prior to surface occupancy and use within 300 feet of riparian and/or wetland areas, a plan must be approved by the AO with design features that demonstrate how all actions would maintain and/or improve the functionality of riparian/wetland areas. The plan would address:

- potential impacts to riparian and wetland resources,
- mitigation to reduce impacts to acceptable levels (including timing restrictions),
- post-project restoration, and
- monitoring (the operator must conduct monitoring capable of detecting early signs of changing riparian and/or wetland conditions).

On the lands described below:

Objective: To protect the unique biological and hydrological features associated with riparian and wetland areas. Disturbances adjacent to riparian and/or wetland areas (including road use) can adversely impact these sensitive areas. This stipulation would protect these features from indirect effects produced within the adjacent ground. This would also encompass the floodplain along most first to third order streams.

Exception: The AO may grant an exception to this stipulation if the operator can demonstrate that the proposed action would not adversely impact wetland or riparian function or associated water quality.

Modification: The area affected by this stipulation can be modified by the AO if it is determined that portions of the lease area do not contain wetlands or riparian areas.

Waiver: This stipulation can be waived by the AO if it is determined that the entire lease area does not contain wetlands or riparian areas.

CONTROLLED SURFACE USE STIPULATION

CULTURAL RESOURCE SURVEY

Stipulation: An inventory of those portions of the leased lands subject to proposed disturbance may be required prior to any surface disturbance to determine if cultural resources are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Engage the services of a cultural resource consultant acceptable to the Surface Management Agency (SMA) to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the standard ten-acre minimum to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
2. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as data recovery and extensive recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited. The lessee or operator shall immediately bring to the attention of the SMA any cultural resources discovered as a result of approved operations under this lease, and shall not disturb such discoveries until directed to proceed by the SMA.

On the lands described below:

Objective: Compliance with Section 106 of the National Historic Preservation Act is required for all actions which may affect cultural properties eligible to the National Register of Historic Places. Section 6 of the Oil and Gas Lease Terms (Form 3100-11) requires that operations be conducted in a manner that minimizes adverse impacts to cultural and other resources.

Exception: None

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

PALEONTOLOGICAL RESOURCE INVENTORY

Stipulation: Prior to any surface-disturbing activity in areas known to have a high potential (Class 4 and 5) for containing significant paleontological resources, the lessee shall be required to conduct a paleontological inventory. The lessee must engage the services of a qualified paleontologist, acceptable to the surface management agency (SMA), to conduct the inventory. An acceptable inventory report is to be submitted to the SMA for review and approval at the time a surface-disturbing plan of operations is submitted.

On the lands described below:

Objective: To preserve and protect scientifically significant vertebrate fossils and paleontological locales.

Exception: The AO may grant an exception if the area has already been inventoried for paleontological resources.

Modification: None

Waiver: None

CONTROLLED SURFACE USE STIPULATION

SOILS – SENSITIVE SOILS

Stipulation: Surface occupancy and use will be controlled on sensitive soils. Sensitive soils are determined using a combination of slope and soil erodibility. Prior to surface disturbance on sensitive soils, a reclamation plan must be approved by the AO. The plan must demonstrate the following:

- (1) no other practicable alternatives exist for relocating the activity,
- (2) the activity will be located to reduce impacts to soil and water resources,
- (3) site productivity will be maintained or restored,
- (4) surface runoff and sedimentation will be adequately controlled,
- (5) on- and off-site areas will be protected from accelerated erosion,
- (6) that no areas susceptible to mass wasting would be disturbed, and
- (7) surface-disturbing activities will be prohibited during extended wet periods.

On the lands described below:

Objective: To maintain the chemical, physical, and biotic properties of soils, this includes maintaining soil productivity, soil stability, and soil biotic properties. This will prevent excessive erosion, potential mass wasting, and improve the likelihood of successful reclamation.

Exception: The AO may grant an exception to this stipulation if the operator can demonstrate that the proposed action will not contribute to degradation of the soil resource (e.g., excessive soil erosion, mass wasting, and/or lost productivity) or downslope resource conditions (e.g., reduced water quality due to sedimentation).

Modification: The AO may modify the area affected by this stipulation if it is determined that portions of the leasehold do not contain sensitive soils.

Waiver: The AO may waive this stipulation if it is determined that the entire leasehold does not contain sensitive soils.

CONTROLLED SURFACE USE STIPULATION

GREATER SAGE-GROUSE NESTING HABITAT

(GENERAL HABITAT MANAGEMENT AREAS)

Stipulation: Within Greater Sage-Grouse general habitat surface-disturbing or disruptive activities may be restricted or prohibited within 2 miles of Greater Sage-Grouse leks. Prior to surface-disturbing or disruptive activities a plan to maintain functionality of Greater Sage-Grouse habitat will be prepared by the proponent and implemented upon approval by the AO. This plan shall address how short-term and long-term direct and indirect effects to nesting and brood-rearing areas will be mitigated based on current science and research (Appendix E.5).

On the lands described below:

Objective: To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

Exception: The AO may grant an exception if an environmental review determines that the action, as proposed or conditioned, would not compromise the functionality of the habitat for Greater Sage-Grouse and would meet the objective for Greater Sage-Grouse habitat and populations.

Modification: The AO may modify the area subject to the stipulation if an environmental analysis finds that a portion of the area is no longer Greater Sage-Grouse habitat and supports no Greater Sage-Grouse populations.

Waiver: This stipulation may be waived if no portion of the leasehold is within 2 miles of the perimeter of an active lek.

CONTROLLED SURFACE USE STIPULATION

PALLID STURGEON

Stipulation: Prior to surface-disturbing or disruptive activities occurring in or within 1/2 mile of river or stream shorelines identified as pallid sturgeon habitat, a plan to maintain pallid sturgeon habitat would be prepared by the proponent and implemented upon approval by the AO.

On the lands described below:

Objective: To protect and maintain habitat needed to support pallid sturgeon populations.

Exception: An exception to this stipulation may be granted if the AO, in consultation with the U.S. Fish and Wildlife Service (USFWS), determines that portions of the area can be occupied without adversely affecting pallid sturgeon habitat.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with USFWS, determines that portions of the area can be occupied without adversely affecting pallid sturgeon habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with USFWS, determines that the entire leasehold can be occupied without adversely affecting pallid sturgeon habitat.

LEASE NOTICE

AIR RESOURCE ANALYSIS

The lessee/operator is given notice that prior to project-specific approval, additional air resource analyses may be required in order to comply with the NEPA, FLPMA, and/or other applicable laws and regulations. Analyses may include equipment and operations information, emission inventory development, dispersion modeling or photochemical grid modeling for air quality and/or air quality related value impact analysis, and/or emission control determinations. These analyses may result in the imposition of additional project-specific control measures to protect air resources.

LEASE NOTICE

PALEONTOLOGICAL RESOURCES INVENTORY REQUIREMENT

This lease has been identified as being located within geologic units rated as being moderate to very high potential for containing significant paleontological resources. The locations meet the criteria for class 3, 4 and/or 5 as set forth in the Potential Fossil Yield Classification System, WO IM 2008-009, Attachment 2-2. The BLM is responsible for assuring that the leased lands are examined to determine if paleontological resources are present and to specify mitigation measures. Guidance for application of this requirement can be found in WO IM 2008-009 dated October 15, 2007, and WO IM 2009-011 dated October 10, 2008.

Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or project proponent shall contact the BLM to determine if a paleontological resource inventory is required. If an inventory is required, the lessee or project proponent will complete the inventory subject to the following:

- the project proponent must engage the services of a qualified paleontologist, acceptable to the BLM, to conduct the inventory.
- the project proponent will, at a minimum, inventory a 10-acre area or larger to incorporate possible project relocation which may result from environmental or other resource considerations.
- paleontological inventory may identify resources that may require mitigation to the satisfaction of the BLM as directed by WO IM 2009-011.

LEASE NOTICE

CULTURAL RESOURCES AND TRIBAL CONSULTATION

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any surface-disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Objective: To protect significant historic properties and resources.

Exception: None.

Modification: None.

Waiver: None.

LEASE NOTICE

RAPTORS

The lease area may contain raptor nest sites active within the last 7 years. At the development stage when surface-disturbing activities are proposed, an active nest inventory of the project area may be required. If active nests are found within 1/4 mile of the proposed action, surface occupancy and use may be prohibited. If active nests are found within 1/2 mile of the proposed action, surface occupancy and use may be restricted from March 1 through July 31. The BLM may require modification to exploration or development proposals to protect active raptor nests, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Objective: To maintain the reproductive potential of raptor nest sites.

Exceptions: None.

Modification: None.

Waiver: None.

NO SURFACE OCCUPANCY STIPULATION

STREAMS, WATERBODIES, RIPARIAN, WETLAND, AND FLOODPLAINS

Stipulation: Surface occupancy and use is prohibited within perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands, and riparian areas.

On the lands described below:

Objective: To protect the unique biological and hydrological features and functions associated with perennial and intermittent streams, lakes, ponds, reservoirs, floodplains, wetlands, and riparian areas.

Exception: No exceptions would be allowed in streams, natural lakes, or wetlands. An exception may be granted by the AO for riparian areas, floodplains, and artificial ponds or reservoirs if the operator can demonstrate that:

- there are no practicable alternatives to locating facilities in these areas,
- the proposed actions would maintain or enhance resource functions, and
- all reclamation goals and objectives would be met.

Modification: The AO may modify the boundaries of the stipulated area if it is determined that portions of the leasehold do not include these types of areas.

Waiver: The AO may waive this stipulation if it is determined that the entire leasehold does not include these types of areas.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL HISTORIC TRAILS

Stipulation: Surface occupancy and use is prohibited within the National Trail Management Corridor of designated National Historic Trails. Designated National Historic Trails include the Lewis and Clark Trail and the Nez Perce Trail.

On the lands described below:

Objective: To protect the nature and purpose; trail resources, qualities, values, and associated settings; and primary use or uses of the historic trail, in accordance with National Trail System Act.

Exception: An exception to this stipulation may be granted by the AO if the lessee or project proponent completes a comprehensive trail inventory, as outlined in Manual 6280, and presents a proposal which demonstrates resource values are not affected or that adverse impacts can be adequately mitigated to prevent impact to:

- The nature and purposes of the National Trail.
- National Trail resources, qualities, values, and associated settings.
- National Trail primary use or uses.
- The National Trail from the cumulative or trail-wide perspective.

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

UNINCORPORATED TOWNS AND RESIDENTIAL STRUCTURES

Stipulation: Surface occupancy and use is prohibited for oil and gas exploration and development within and 500 feet from unincorporated towns or human occupied residential structures.

On the lands described below:

Objective: To ensure a proper distance between development and human occupation for health and safety purposes; 500 feet provides for reduced visual intrusion, noise, traffic, and dust.

Exception: An exception to this stipulation may be granted by the AO if the operator submits a plan that demonstrates that the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the public's health and safety.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold can be occupied without adversely affecting the public's health and safety.

NO SURFACE OCCUPANCY STIPULATION

NATIONAL REGISTER OF HISTORIC PLACES (NRHP) ELIGIBLE PROPERTIES/DISTRICTS

Stipulation: Occupancy and use is prohibited within the boundaries of cultural properties and archaeological/ historic districts determined to be eligible or potentially eligible to the National Register of Historic Places.

On the lands described below:

Objective: To protect significant cultural properties and archaeological districts and their settings, and to avoid disturbance or inadvertent impacts to these resources.

Exception: None

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

RECREATION SITES

Stipulation: Surface occupancy and use is prohibited within and 500 feet from recreation sites.

On the lands described below:

Objective: To recognize and protect the public's opportunity for quality recreation experiences at those sites developed for recreation. Since BLM recreation sites are generally developed to support the use of the surrounding lands, 500 feet provides protection for perpetuating those opportunities for which the site was developed, reduces the visual intrusion and noise, and protects capital investments at the site.

Exception: The AO may grant an exception if a site is moved or eliminated.

Modification: The list of recreation sites may be modified if a site is removed, or if a site is developed in the future.

Waiver: A waiver may be granted if a site is moved or eliminated.

NO SURFACE OCCUPANCY STIPULATION

BLACK-TAILED PRAIRIE DOG

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of black-tailed prairie dog habitat.

On the lands described below:

Objective: To protect prairie dog towns necessary for long-term maintenance of black-tailed prairie dog populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting prairie dog habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold is no longer considered prairie dog habitat.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE LEKS

(GENERAL HABITAT AREAS)

Stipulation: Surface occupancy and use is prohibited within 0.6 miles of Greater Sage-Grouse leks. This stipulation does not apply within the boundaries of the Greater Sage-Grouse Priority Habitat Management Area.

On the lands described below:

Objective: To protect Greater Sage-Grouse leks to maintain Greater Sage-Grouse populations.

Exception: The AO, in consultation with Montana Fish, Wildlife and Parks (MFWP), may grant an exception if portions of the area can be occupied without adversely affecting Greater Sage-Grouse leks.

Modification: The boundaries of the stipulated area may be modified if the AO, in consultation with MFWP, determines that portions of the area can be occupied without adversely affecting Greater Sage-Grouse leks. The AO, in consultation with MFWP, may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO, in consultation with MFWP, determines that no portion of the leasehold is within 0.6 mile of the perimeter of an active lek.

NO SURFACE OCCUPANCY STIPULATION

GREATER SAGE-GROUSE PRIORITY HABITAT MANAGEMENT AREA (PHMA)

Stipulation: Surface occupancy and use is prohibited within Greater Sage-Grouse Priority Habitat Management Area and the Grassland Bird/Greater Sage-Grouse Priority Habitat Management Area.

On the lands described below:

Objective: To protect the integrity of the habitat to maintain or improve Greater Sage-Grouse populations.

Exception: The BLM AO may grant an exception to a fluid mineral lease no-surface occupancy stipulation only where the proposed action:

- i. Will not have direct, indirect, or cumulative effects on Greater Sage-Grouse or its habitat; or
- ii. Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel and will provide a clear conservation gain to Greater Sage-Grouse.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMA of mixed ownership where Federal minerals underlie less than fifty percent of the total surface, or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid Federal fluid mineral lease existing as of the date of this RMPA. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the BLM AO only with the concurrence of the State Director. The BLM AO may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other Greater Sage-Grouse expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head for final resolution. In the event their finding is not unanimous, the exception will not be granted. Approved exceptions will be made publically available at least quarterly.

Modification: None

Waiver: None

NO SURFACE OCCUPANCY STIPULATION

MOUNTAIN PLOVER

Stipulation: Surface occupancy and use is prohibited within mountain plover habitat.

On the lands described below:

Objective: To protect mountain plover habitat and to maintain mountain plover populations.

Exception: The AO may grant an exception if portions of the area can be occupied without adversely affecting mountain plover habitat.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting mountain plover habitat. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold is no longer mountain plover habitat.

NO SURFACE OCCUPANCY STIPULATION

SHARP-TAILED GROUSE LEKS

Stipulation: Surface occupancy and use is prohibited within 1/4 mile of sharp-tailed grouse leks.

On the lands described below:

Objective: To protect sharp-tailed grouse leks and to maintain sharp-tailed grouse populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting sharp-tailed grouse leks. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: The stipulation may be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse leks.

UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Land Management

5001 Southgate Drive

Billings, Montana 59101-4669

OIL AND GAS LEASE STIPULATIONS

ESTHETICS--To maintain esthetic values, all surface-disturbing activities, semi-permanent and permanent facilities may require special design including location, painting and camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal Surface Managing Agency (SMA).

EROSION CONTROL--Surface-disturbing activities may be prohibited during muddy and/or wet soil periods.

CONTROLLED OR LIMITED SURFACE USE STIPULATION --This stipulation may be modified, consistent with land use documents, when specifically approved in writing by the Bureau of Land Management (BLM) with concurrence of the SMA. Distances and/or time periods may be made less restrictive depending on the actual on-ground conditions. The prospective lessee should contact the SMA for more specific locations and information regarding the restrictive nature of this stipulation.

The lessee/operator is given notice that the lands within this lease may include special areas and that such areas may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled, or **if absolutely necessary**, excluded. Use or occupancy will be restricted only when the BLM and/or the SMA demonstrates the restriction necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

After the SMA has been advised of specific proposed surface use or occupancy on the leased lands, and on request of the lessee/operator, the Agency will furnish further data on any special areas which may include:

100 feet from the edge of the rights-of-way from highways, designated county roads and appropriate federally-owned or controlled roads and recreation trails.

500 feet, or when necessary, within the 25-year flood plain from reservoirs, lakes, and ponds and intermittent, ephemeral or small perennial streams: 1,000 feet, or when necessary, within the 100-year flood plain from larger perennial streams, rivers, and domestic water supplies.

500 feet from grouse strutting grounds. Special care to avoid nesting areas associated with strutting grounds will be necessary during the period from March 1, to June 30. One-fourth mile from identified essential habitat of state and federal sensitive species. Crucial wildlife winter ranges during the period from December 1 to May 15, and in elk calving areas during the period from May 1 to June 30.

300 feet from occupied buildings, developed recreational areas, undeveloped recreational areas receiving concentrated public use and sites eligible for or designated as National Register sites.

Seasonal road closures, roads for special uses, specified roads during heavy traffic periods and on areas having restrictive off-road vehicle designations.

On slopes over 30 percent or 20 percent on extremely erodible or slumping soils.

See Notice on Back

NOTICE

APPLICATIONS FOR PERMIT TO DRILL (APDs)--The appropriate BLM field offices are responsible for the receipt, processing, and approval of APDs. The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 -- Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538). Additional requirements for the conduct of oil and gas operations can be found in the Code of Federal Regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM field offices in which the operations are proposed. Early coordination with these offices on proposals is encouraged.

CULTURAL AND PALEONTOLOGICAL RESOURCES--The SMA is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the SMA, shall:

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

ENDANGERED OR THREATENED SPECIES--The SMA is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

Endangered Species Act Section 7 Consultation Stipulation

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

TIMING LIMITATION STIPULATION

GREATER SAGE-GROUSE WINTER RANGE

Stipulation: Surface occupancy and use is prohibited from December 1 through March 31 in Greater Sage-Grouse winter range.

On the lands described below:

Objective: To protect Greater Sage-Grouse winter range from disturbance during the winter season and to facilitate long-term maintenance of wildlife populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain viable winter range. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains viable winter range.

TIMING LIMITATION STIPULATION

RAPTORS

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of active raptor nest sites from March 1 through July 31.

On the lands described below:

Objective: To maintain the reproductive potential of raptor nest sites.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the production potential of raptor nest sites. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains a raptor nest or has a nest that has not been active in 7 years.

TIMING LIMITATION STIPULATION

SHARP-TAILED GROUSE NESTING HABITAT

Stipulation: Surface occupancy and use is prohibited within 1/2 mile of sharp-tailed grouse leks from March 15 through June 30.

On the lands described below:

Objective: To protect sharp-tailed grouse nesting habitat necessary for long-term maintenance of sharp-tailed grouse populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area can be occupied without adversely affecting the sharp-tailed grouse populations. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains sharp-tailed grouse nesting habitat.

TIMING LIMITATION STIPULATION

SPRAGUE'S PIPIT

Stipulation: Surface occupancy and use is prohibited from April 15 through July 15 in Sprague's pipit habitat.

On the lands described below:

Objective: To protect Sprague's pipit habitat necessary for long-term maintenance of Sprague's pipit populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain Sprague's pipit habitat. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains Sprague's pipit habitat.

TIMING LIMITATION STIPULATION

WINTER RANGE – BIG GAME AND GREATER SAGE-GROUSE

Stipulation: Surface occupancy and use is prohibited from December 1 through May 15 in big game winter range.

On the lands described below:

Objective: To protect big game and Greater Sage-Grouse winter range from disturbance during the winter season and to facilitate long-term maintenance of wildlife populations.

Exception: The AO may grant an exception if the operator submits a plan that demonstrates the impacts from the proposed action are acceptable or can be adequately mitigated.

Modification: The boundaries of the stipulated area may be modified if the AO determines that portions of the area no longer contain viable winter range. The dates for the timing restriction may be modified if new wildlife use information indicates that the dates are not valid for the leasehold. The AO may also modify the size and shape of the area based on studies documenting actual habitat suitability and/or local periods of actual use.

Waiver: This stipulation may be waived if the AO determines that the entire leasehold no longer contains viable winter range.